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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

No. C 94-2307 CW

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

ORDER REQUIRING
DEFENDANTS TO
FILE
ADMINISTRATIVE
MOTION TO SEAL

Defendants.

/

On September 15, 2009, Defendants filed a Stipulation for Administrative Relief to File Documents Under Seal (Docket No. 1573.) This contravenes Local Rule 79-5(a), which states, "A stipulation . . . will not suffice to allow the filing of documents under seal."

Defendants must file a proper motion under Rule 79-5(c). This rule requires Defendants to

(1) File and serve an Administrative Motion to File Under Seal, in conformance with Civil L.R. 7-11, accompanied by a declaration establishing that a portion of the document is sealable;

(2) Lodge with the Clerk and serve a proposed order that is narrowly tailored to seal only the portion of the document which is claimed to be sealable;

(3) Lodge with the Clerk and serve the entire document, contained in an 8 ½- inch by 11-inch sealed envelope or other suitable sealed container, with a cover sheet affixed to the envelope or container, setting out the information required by Civil L.R. 3-4(a) and (b) and prominently displaying the notation: "DOCUMENT SUBMITTED UNDER SEAL." The sealable portions of the document must be identified by notations or highlighting within the text;

(4) Lodge with the Clerk for delivery to the Judge's chambers a second copy of the entire document, in an identical labeled envelope or container, with the sealable portions identified;

(5) Lodge with the Clerk and serve a redacted version of the document that can be filed in the public record if the Court grants the sealing order.

The Court points out that Defendants need only file under seal the portions of documents that contain prisoners' identifying information. The nature of the documents does not support them to be filed under seal in their entirety, unless Defendants show otherwise. **Defendants' administrative motion to seal and redacted documents are due October 6.**

IT IS SO ORDERED.

Dated: October 2, 2009

Charlotte Witt

C LAUDIA WILKEN
United States District Judge